

Peck, May

USDC SDNY
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DATE FILED: 7/2/12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT J. LANG, NOBORU MIYAJIMA, MANUEL
SIRGO, NICOLA BANDONI, TOSHIKAZU
KAWASAKI, and JASON KU,

Plaintiffs,

Case No.: 11 CV 8821
(BSJ)(AJP)

-against-

SARAH MORRIS,

Defendant.

DEFENSE X PARTIAL
STIPULATION OF DISMISSAL

AP

Plaintiffs Nicola Bandoni, Manual Sirgo and Toshikazu Kawasaki having failed to appear for their duly noticed depositions prior to the close of discovery; and Plaintiffs having submitted a Motion for Leave to Amend the Complaint in this action, which proposed First Amended Complaint would, *inter alia*, discontinue the claims asserted by Plaintiffs Bandoni, Sirgo and Kawasaki; and the parties through their undersigned counsel having appeared before Magistrate Judge Andrew J. Peck by teleconference on June 14, 2012 for the purpose of resolving a dispute concerning the dismissal of the claims by Bandoni, Sirgo and Kawasaki;

NOW THEREFORE the parties, through their undersigned counsel, stipulate and agree as follows:

1. The claims asserted by plaintiffs Bandoni, Sirgo and Kawasaki in the Complaint are hereby dismissed with prejudice.
2. Defendant will not oppose Plaintiffs' pending Motion for Leave to Amend the Complaint. *The Court grants the Motion.* *AP*

3. Defendant will not seek to recover attorney's fees or costs from plaintiffs Bandoni, Sirgo and Ku or their counsel in connection with the claims being dismissed hereunder.
4. This dismissal shall not prevent the Court from considering whether attorneys' fees may be granted to the prevailing party or parties in the litigation.

Bay Oak Law Firm, APLC

By:



Andrew K. Jacobson
Counsel for Plaintiffs

Reittler, Kailas & Rosenblatt, LLC

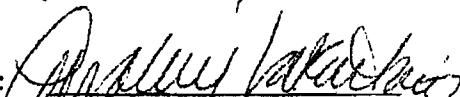
By:



Robert W. Clarida
Counsel for Defendant Sarah Morris

Haims, Valentino

By:



Caroline Valentino
Counsel for Plaintiffs

SO ORDERED.

Dated: New York, New York

7/2 2012

BY ECF

Copies by ECF to: All Counsel
Judge Barbara S. Jones



Andrew J. Peck
United States Magistrate Judge

HON. ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

ECF TRANSCRIPTION SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312**

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: July 2, 2012

Total Number of Pages: 3

TRANSCRIPTION

[Insert to ¶ 2 on p. 1]: The Court grants the Motion.

Copies to: All Counsel
Judge Barbara S. Jones